

DECISION



THE COMPTROLLER GENERAL
OF THE UNITED STATES
WASHINGTON, D.C. 20548

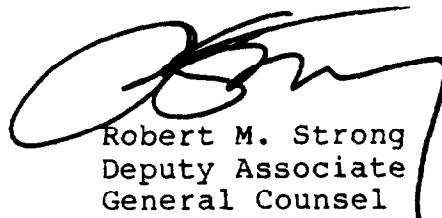
FILE: B-223289.2 DATE: June 19, 1986
MATTER OF: Morris Marine, Inc.

DIGEST:

Protest alleging that solicitation evaluation provisions failed to take into account the fact that, as the incumbent contractor under a similar government contract, one firm was furnished equipment by the government which was required under this contract is dismissed as untimely since the protest was not filed until after the closing date for the receipt of initial proposals.

Morris Marine, Inc. (Morris), protests the specifications in request for proposals (RFP) No. N68836-86-R-0065 issued by the United States Navy for tug and towing services at Port Canaveral, Florida. Morris contends that the solicitation provided Petchem, Inc. (Petchem), with an unfair competitive advantage in this procurement because the solicitation failed to take into account the fact that, as the incumbent contractor under a similar government contract, Petchem was furnished equipment worth approximately \$100,000 which was required under this contract. We dismiss the protest.

Morris essentially is protesting the RFP provisions regarding the evaluation of offers. Our Bid Protest Regulations require that protests based upon alleged improprieties in an RFP which are apparent prior to the closing date for the receipt of initial proposals be filed by the closing date. 4 C.F.R. § 21.2(a)(1) (1986). Here, the closing date was June 6, 1985. Morris, however, did not file its protest with our Office until June 9. Since Morris' protest was not filed until after the closing date, it is untimely and will not be considered. Prospective Computer Analysts, Inc., B-221414, Feb. 27, 1986, 86-1 C.P.D. ¶ 206.


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